



**Town of Tyngsborough
Board of Appeals**

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from May 12, 2005

1st Hearing:

George Abdallah, Jr., 409 Middlesex Rd., Assessors Map 11, parcel 24
Request variance on minimum lot size and residential buffer for the construction of a
office building. B-3 Zone sections 2.12.50, 3.13.21.

Legal notice read. Advertised in the Lowell Sun on April 28 & May 5, 2005. Motion to
waive the reading of the abutters list by Farrell. Seconded by Kydd. Vote 5-0.
Application read. No challenges to the legal notice and abutter notification.

Application presented by Eric Mitchell he passed out exhibit plan of the office building to
the members. This building will be next to On-the-Border it is now a vacant lot. It used to
be ice-cream stand. They are requesting a two story building, 6,800 sq. ft. office building.

ZBA members discussed Mark Dupell's letter dated 5/3/5 on parking, loading berth, and
buffer.

Applicant will provide better turn out for the dumpster.

One abutter from 405 Middlesex Rd., Mr. Elkareh spoke against the application. His
concerns were the buffer zone. Mr. Elkareh rents out the property next door to the site.

Continued discussion by the applicant and members on the parking spots, distance from
On-the Border exit only. There is no loading berth area. Discussed page 49, Zoning By-
laws loading areas and page 51 on deck requirements. Applicant not sure of who is going
into the building.

Members asked the applicant if they would like to withdraw without prejudice and come
back with more information.

Members decided to allow the applicant to continue hearing to June 9, 2005, in order to
get more information.

Applicant agreed to continue hearing to June 9, 2005 at 6:30 PM

Proper document agreement to continue this hearing was signed by the Chairperson, Gary Ralls and applicant. This will be filed with the Town Clerk.

Motion to allow applicant to continue hearing by Kydd. Seconded by Farrell. Vote 5-0.

2nd Hearing:

Charles Robert & Elaine Melanson, 6 Oak St., Assessors Map 31B, parcel 41 & Map 31 B, parcel 40.R-1 Zone.

1. Variance from the minimum lot area for the construction of a new single-family dwelling, Upon completion of new house, raze existing single family dwelling within 30 days of occupancy permit issue and relocate shed.
2. Special permit for height for 2nd level on new house.

Legal notice read. Advertised in the Lowell Sun on April 28 & May 5, 2005. Motion to waive the reading of the abutters list by Farrell. Seconded by Kydd. Vote 5-0.

Application read. No challenges to the legal notice and abutter notification.

One abutter spoke in favor of the application. No one spoke against.

Applicant passed out to the board pictures of the existing house and surrounding houses in the area, which are similar to what he will be building. Also, provided the board the new house plan.

Discussion by members and applicant. The existing house is to be razed within 30 days after the occupancy permit is issued. The existing shed is to be moved in back of the new house. No apartments or in-law apartments will be allowed.

Applicant discussed the condition of the old house.

Motion to close the public portion of the hearing by Kydd. Seconded by Mechalides. Vote 5-0.

Motion to **Approve variance** by Kydd. Seconded by Mechalides. Vote 5-0.

Conditions are: shed to be moved, old house will be razed within 30 days after occupancy permit is issued.

Motion to **Approve Special Permit** for height by Mechalides. Seconded by Kydd. Vote 5-0.

Approved. Conditions- height not to exceed the 36' max. Members stated that this will be an improvement to the neighborhood and will not be a detriment to the neighborhood.

Other Business:

Motion to approve minutes from April 14, 2005 by Farrell. Seconded by Cloutier. Vote 4-0

Motion to approve minutes from April 14, 2005 Executive Session by Farrell. Seconded by Ralls. Vote 4-0.

Motion to adjourn